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*Attorneys for Defendants David I. Lustig, individually  
and in his capacity as Trustee for The Lustig Family  
1990 Trust, and The Lustig Family 1990 Trust*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
SECURITIES INVESTOR PROTECTION  
CORPORATION,

Adv. Pro. No. 08-01789 (SMB)

Plaintiff-Applicant,

SIPA LIQUIDATION

v.

(Substantively Consolidated)

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

**DECLARATION OF  
BRYAN HA**

-----X  
In re:

BERNARD L. MADOFF,

Debtor.

-----X  
IRVING PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

Adv. Pro. No. 10-4554 (SMB)

v.

DAVID IVAN LUSTIG,

Defendant.

-----X  
IRVING PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

Adv. Pro. No. 10-4417 (SMB)

v.

THE LUSTIG FAMILY 1990 Trust, et al.,

Defendants.  
-----X

BRYAN HA hereby declares under penalty of perjury, pursuant to 28 U.S.C. §  
1746, that the following are true and correct:

1. I am of counsel to the Law Office of Richard E. Signorelli, attorneys for  
defendants David I. Lustig (“Mr. Lustig”) and The Lustig Family 1990 Trust (“Trust”) in the  
above-captioned adversary proceedings, Irving H. Picard v. David Ivan Lustig, Adv. Pro. No. 10-  
4554 (“IRA Case”) and Irving H. Picard v. The Lustig Family 1990 Trust and David I. Lustig,  
Adv. Pro. No. 10-4417 (“Trust Case”). As such, I am fully familiar with the facts and  
circumstances of this matter.

2. I respectfully submit this declaration in support of Mr. Lustig’s and the  
Trust’s opposition to the Trustee’s motion to strike certain of the affirmative defenses asserted in  
the IRA Case and the Trust Case.

3. Attached hereto as Exhibit A is a true and correct copy of a letter to the  
Court from Mr. Lustig’s and the Trust’s counsel dated January 6, 2017.

4. Attached hereto as Exhibit B is a true and correct copy of the Declaration  
of David Ivan Lustig submitted in connection with the IRA Case dated April 28, 2011, without  
the exhibits.

5. Attached hereto as Exhibit C is a true and correct copy of a fax cover memo dated July 26, 2007, together with an investment authorization form sent to Mr. Lustig for submission to Fiserv Investment Support Services (or a subsidiary thereof) ("Fiserv") to facilitate the transfer of funds from Fiserv to Lakeview Investment, LP ("Lakeview"), along with wire instructions for Lakeview.

6. Attached hereto as Exhibit D is a true and correct copy of the fax cover memo dated July 31, 2007, transmitting the Lakeview subscription agreement to Fiserv.

7. Attached hereto as Exhibit E is a true and correct copy of a letter from Fiserv to Lakeview dated August 1, 2007.

8. Attached hereto as Exhibit F is a true and correct copy of Lakeview's bank account statement for its account at Wells Fargo Bank, N.A. ("Wells Fargo") for the period from July 26, 2007 through August 23, 2007.

9. Attached hereto as Exhibit G is a true and correct copy of a letter from Lakeview to Mr. Lustig dated October 23, 2007.

10. Attached hereto as Exhibit H is a true and correct copy of Lakeview's bank account statement for its account at Wells Fargo for the period from August 24, 2007 through September 26, 2007.

11. Attached hereto as Exhibit I are true and correct copies of certain pages from the Confidential Private Placement Memorandum for Wailea Partners, LP ("Wailea") dated August 1, 2007.

12. Attached hereto as Exhibit J is a true and correct copy of the Subscription Agreement with Wailea executed by Lakeview on August 24, 2007.

13. Attached hereto as Exhibit K is a true and correct copy of a letter from

Wells Fargo to Wailea confirming the wire transfer of \$7,000,000 from Lakeview to Wailea on August 27, 2007.

14. Attached hereto as Exhibit L is a true and correct copy of the Share Swap Transaction Confirmation dated September 4, 2007, for the total return swap transaction entered into between Wailea and HSBC Bank USA, N.A. (“HSBC”).

15. Attached hereto as Exhibit M are true and correct copies of certain pages from the Amended Complaint filed by the Trustee in the adversary proceeding entitled Picard v. HSBC Bank PLC, et al., U.S. Bankr. Ct., S.D.N.Y., Adv. Pro. No. 09-1364 (SMB) (“Picard v. HSBC Adv. Pro.”).

16. Attached hereto as Exhibit N is a true and correct copy of the Complaint filed by Wailea in the action entitled Wailea Partners, LP v. HSBC Bank USA, N.A., U.S. Dist. Ct., N.D. Calif., Case No. 11-cv-03544 (SC).

17. Attached hereto as Exhibit O is a true and correct of the Motion For Entry Of Order Pursuant To Section 105(a) Of The Bankruptcy Code And Rules 2002 and 9019 Of The Federal Rules Of Bankruptcy Procedure Approving A Settlement Agreement By And Between The Trustee And Senator Fund SPC filed by the Trustee in the Picard v. HSBC Adv. Pro. on November 18, 2014.

18. Attached hereto as Exhibit P is a true and correct copy of a letter from Senator to Wailea dated July 12, 2007.

19. Attached hereto as Exhibit Q are true and correct copies of certain pages from the Answer, Affirmative Defenses and Amended Cross-Claim of Alpha Prime Fund Limited and Senator Fund SPC filed in the Picard v. HSBC Adv. Pro.

20. Attached hereto as Exhibit R is a true and correct copy of the

settlement agreement entered into between the Trustee and Senator in the Picard v. HSBC Adv. Pro. on or about November 13, 2014.

21. Attached hereto as Exhibit S is a true and correct copy of the Declaration of David I. Lustig submitted in connection with the Trust Case dated April 28, 2011, without the exhibits.

22. Attached hereto as Exhibit T is a true and correct copy of the bank account statement for Mr. Lustig's account at City National Bank for the month ending July 31, 2007.

23. Attached hereto as Exhibit U is a true and correct copy of the Subscription Agreement for Defendants' investment of \$5,000,000 with Lakeview dated July 27, 2007.

24. Attached hereto as Exhibit V is a true and correct copy of a marketing document for Rye Select Broad Market XL Fund, LP dated July 1, 2007.

25. Attached hereto as Exhibit W are true and correct copies of certain pages from the Complaint filed by the Trustee in the adversary proceeding entitled Picard v. Tremont Group Holdings, Inc., et al., U.S. Bankr. Ct., S.D.N.Y., Adv. Pro. No. 10-ap-05310 (SMB) ("Picard v. Tremont Adv. Pro.").

26. Attached hereto as Exhibit X is a true and correct copy of the Subscription Agreement with Rye XL executed by Lakeview on July 25, 2007.

27. Attached hereto as Exhibit Y is a true and correct copy of the Wire Transfer Confirmation for the wire transfer in the amount of \$22,950,000 sent from Lakeview to Rye XL on July 31, 2007.

28. Attached hereto as Exhibit Z are true and correct copies of certain pages from the Amended Complaint filed by the Trustee in the adversary proceeding entitled Picard v. ABN Amro Bank N.V., et al., U.S. Bankr. Ct., S.D.N.Y., Adv. Pro. No. 10-5354 (SMB).

29. Attached hereto as Exhibit AA are true and correct copies of certain pages from the Amended Complaint filed by the Trustee in the adversary proceeding entitled Picard v. ABN Amro Bank (Ireland) Ltd., et al., U.S. Bankr. Ct., S.D.N.Y., Adv. Pro. No. 10-5355 (SMB).

30. Attached hereto as Exhibit BB is a true and correct copy of the Settlement Agreement dated as of July 25, 2011, entered in the adversary proceeding entitled Picard v. Tremont Adv. Pro.

Dated: New York, New York  
March 31, 2017

/s/ Bryan Ha  
Bryan Ha